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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,433	04/03/2006	Neil C. Bird	GB030177US1	9694
24738 7590 01/23/2008 PHILIPS ELECTRONICS NORTH AMERICA CORPORATION INTELLECTUAL PROPERTY & STANDARDS 370 W. TRIMBLE ROAD MS 91/MG SAN JOSE, CA 95131				
EXAMINER RADONIC, NICOLA				
ART UNIT		PAPER NUMBER		
4192				
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01/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,433

Applicant(s)

BIRD ET AL.

Examiner

NICOLA RADONIC

Art Unit

4192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 4/3/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the form and legal phraseology used in the abstract, specifically the words "means" , "said", "therebetween", and the phrase "a consumer merely brings" . In addition statements of relative merit such as "merely" and "consumer friendly" and "flexible" and "simple" are not allowed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. Claims 1, 4-6, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1: "A method of configuring a radio link between a first device and a second device, each of which comprises radio means, and wherein at least one of said devices comprises proximity detection means and timing means wherein said method comprises said proximity detection means detecting when said devices are proximate, said timing means detects the duration of proximity and respective radio means configures a link in dependence on said proximity detection and the duration thereof" is indefinite in terms of the definition of the distances involved with being 'proximate', and the duration of proximity to qualify for the configuration process. It is suggested that the applicant define proximity and the duration interval for this proximity detection, as described in the specification.
5. Claim 4: "A method as claimed in claim 3, wherein said duration is less than ten seconds." is rejected in that the duration is indefinite for a minimum duration of proximity. Does the minimum interval include zero, and if so, how is that realizable?

6. Claim 5: "A method as claimed in claim 4, wherein said duration is about 2 seconds" is rejected as implying conflicting constraints of 'less than 10 seconds' and hence implying 'more than 0 seconds' as in claim 4 while specifying 'about 2 seconds' here. It is suggested that this claim be rewritten independent of claim 4.

7. Claim 6: "A method as claimed in claim 1, wherein said establishing of said link comprises the radio means of each respective device exchanging pre-installed radio identifiers." is rejected as failing to describe these 'radio identifiers', and hence not limiting the possible identifier data set to a realizable size.

8. Claim 8: "A method as claimed in claim 1, wherein said devices further comprise indication means to indicate a configuration status of a link." fails to point out the antecedent basis for what the 'indication means' phrase refers to. It is suggested that the applicant define 'indication means' in the claim, referring to the indicators in the specification. Also the applicant fails to point out what specific link status behavior would be indicated by this indicator.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6, and 8-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Libes (PGPUB US 2003/0162556 A1, Aug. 28, 2003).

11. Claim 1 is rejected as anticipated by Libes: "A method of configuring a radio link between a first device and a second device" (paragraph 31, sentence 1), "each of which comprises radio means," (paragraph 31, sentence 2), further: "and wherein at least one of said devices comprises proximity detection means and timing means wherein said method comprises said proximity detection means detecting when said devices are proximate" (paragraph 37, sentence 1 – the magnet and detector are specified for proximity detection, paragraph 48 and figures 23 and 24 discuss proximity timing intervals), further: "said timing means detects the duration of proximity and respective radio means configures a link in dependence on said proximity detection and the duration thereof." (paragraph 48 and figures 23 and 24 discusses proximity timing intervals).

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12. Claim 2 is rejected as anticipated by Libes: "A method as claimed in claim 1, wherein said configuring of said link comprises establishing a link." (paragraphs 31, 37, 48, and figures 23 and 24 combine to show the components necessary to establish the link, and the method is inherent in the use of these components).

13. Claim 3 is rejected as anticipated by Libes: "A method as claimed in claim 1, wherein said configuring comprises removing a previously established link." for the same reasons as claim 2.

14. Claim 4 is rejected as anticipated by Libes: "A method as claimed in claim 3, wherein said duration is less than ten seconds." for the same reasons as claim 3, and further that the timer intervals (Figures 23 and 24) range from 100-350 milliseconds, which is less than 10 seconds.

15. Claim 5 is rejected as anticipated by Libes: "A method as claimed in claim 4, wherein said duration is about 2 seconds." for the same reasons as claim 4. Being adjustable these timer intervals also anticipate the larger interval of 2 seconds.

16. Claim 6 is rejected as anticipated by Libes: "A method as claimed in claim 1, wherein said establishing of said link comprises the radio means of each respective device exchanging pre-installed radio identifiers." on the same grounds as claim 1, and further it anticipates the exchange of identifiers (paragraph 32: 'The transferred handshaking data will minimally includes a wireless network address').

17. Claim 8 is rejected as anticipated by Libes: "A method as claimed in claim 1, wherein said devices further comprise indication means to indicate a configuration status of a link." for the same reasons as claim 1, and further anticipates a status indicator (paragraph 45: 'notification to the user may also be made through a visible display, sound, color, flashing light, or some combination thereof').

18. Claim 9 is rejected as anticipated by Libes: "A system having a first radio device and a second radio device comprising radio means operable to communicate via a configurable radio link therebetween" (paragraph 31). Further: "and wherein at least one of said devices comprises proximity detection means for detecting when said devices are proximate" is anticipated by Libes (paragraph 37). Further: "and timing means for detecting the duration of said proximity" is anticipated by Libes (paragraph 48 and figures 23 and 24 discuss timing). Further: "and wherein said radio means configure a radio link in dependence of said proximity detection and the duration thereof" is anticipated by Libes (paragraph 47 & 48 and figures 23 & 24) for proximity and timing.

19. Claim 10 is rejected as anticipated by Libes: "A system as claimed in claim 9, wherein said first and second device are adapted to physically connect with respective host apparatus and wherein said apparatus communicate with one another via said configurable radio link" with mechanical components that physically interlock (figures 4 and 5) and radio link plugs mounted in wireless devices (paragraph 32 and figure 1).

20. Claim 11 is rejected as anticipated by Libes: "A radio device operable to communicate via a configurable radio link with a second device," (paragraph 31), further: "the radio device comprising proximity detection means for detecting when said devices are proximate," (paragraph 37), further: "timing means for detecting the duration of said proximity" (figures 23 and 24 and paragraph 37), further: "and radio means for configuring a radio link in dependence on said proximity detection and the duration thereof" (paragraph 37).

21. Claim 12 is rejected as anticipated by Libes: "A radio device as claimed in claim 11, wherein said proximity detection means comprises a reed switch and magnet." (paragraph 38 and figure 10, item 404).

22. Claim 13 is rejected as anticipated by Libes: "A radio device as claimed in claim 12, wherein said magnet has insufficient field strength to operate said reed switch, and wherein said switch and magnet are arranged such that some of the magnetic field lines emanating from the magnet are perpendicular to the direction in which the switch closes." for the same reasons as claim 12, in addition that selecting the physical and magnetic orientations is inherent in mounting the magnet and reed relay switch.

23. Claim 14 is rejected as anticipated by Libes: "A radio device as claimed in claim 12, wherein said magnet has sufficient field strength to operate said reed switch, and wherein said switch and magnet are arranged such that the magnetic field lines emanating from the magnet are substantially parallel to the direction in which the switch closes" for the same reasons as claim 13.

24. Claim 15 is rejected as anticipated by Libes: "A radio device as claimed in claim 13 or claim 14, wherein said timing means comprises a micro-controller connected with said proximity detection means", for the same reasons as claims 13 and 14, additionally because a micro-controller is an inherent and a necessary prerequisite for implementing a communication device (paragraph 47 and 48).

25. Claim 16 is rejected as anticipated by Libes: "A radio device as claimed in claim 15, wherein said radio means comprises a digital transceiver controlled by said micro-controller", for the same reasons as claim 15, and further that a digital transceiver is an inherent and a necessary prerequisite for implementing a communication device (paragraph 48: 'individual processing system for wireless handshaking').

26. Claim 17 is rejected as anticipated by Libes: "A radio device as claimed in claim 11, the device being further adapted to physically connect with a host apparatus" for the same reasons as claim 11 (in addition paragraph 41, sentence 1), and further: "and provide and receive data to and from said host apparatus" (paragraph 41, sentences 2-6).

27. Claim 18 is rejected as anticipated by Libes: "A radio device for use with the system of claim 9, comprising proximity detection means for detecting proximity with a similar radio device timing means for detecting the duration of said proximity and radio means for configuring a radio link in dependence on said proximity detection and the duration thereof" for the same reasons as claim 9.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claim 1 above, and further in view of O'Toole (US 6130602).

30. As per claim 7, Libes teaches: "A method as claimed in claim 1". Libes does not teach "wherein said establishing of said link comprises exchanging randomly generated radio identifiers." but this would have been obvious in view of O'Toole (paragraph 188 'the interrogator 26 sends a command causing each device 12 of a potentially large number of responding devices 12 to select a random number'). It would have been obvious for someone with an ordinary level of skill in communications circuitry design to combine this random identifier scheme with Bird's "pre-installed radio identifiers". O'Toole's rationale is to allow multiple RF tags to automatically arbitrate their identities while in a clustered situation with multiple possible responding devices by selecting uniquely random identifier numbers 'to select a random number from a known range and use it as that device's arbitration number'.

31. Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLA RADONIC whose telephone number is (571) 270-5246. The examiner can normally be reached on IFW work schedule, with some Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NR

/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 4192